

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1334 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

PRABHATSINH F RAVALJI

Versus

LINABEN D/O RAMBHAI KHODIDAS

Appearance:

MR VIJAY H PATEL for Petitioners

MR UA TRIVEDI for Respondent No. 1

MR.V.M.PANCHOLI A.P.P for Respondent No. 2

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 02/03/2001

ORAL JUDGEMENT

1. This is a petition under Article 226 of the
Constitution and Section 482 of Criminal Procedure Code

for quashing the Criminal complaint which has been filed against the petitioners.

2. The complaint in question was filed by respondent No.1. It was alleged that the petitioners had committed offence punishable under Sections 323, 504, 506 (2), 406, 365, 488 (a) read with 114 of the Indian Penal Code. The complaint was filed in the Court of Metropolitan Magistrate, Ahmedabad, Court No.19. The learned Magistrate ordered the complaint to be sent to the police for investigation under Section 156 (3) of Criminal Procedure Code. The police registered offences under Sections 323, 504, 506 (2), 403, 365, 376 read with 114 of the Indian Penal Code. The petitioner was arrested and he was remanded to judicial custody. Subsequently he was released on bail. Thereafter, petitioners filed the present petition for quashing the complaint.

3. Looking to the nature of allegations made in the complaint and the offences alleged it cannot be said that no offence is disclosed. In my opinion no case is made out for quashing the complaint at this stage. It is stated that subsequently a formal deed of divorce was executed between the parties and that the matter has been settled out of Court by the parties. However, it will be for the police to look into the matter and file appropriate report after investigation. The petition is, therefore, dismissed. Rule discharged.

(M.C. Patel, J).

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